UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 31 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Larry Fioritto
Plant Manager
Perstorp Polyols, Inc.
600 Matzinger Road
Toledo, Ohio 43612

Dear Mr. Fioritto:

This is to advise you that the U.S. Environmental Protection Agency has determined that Perstorp Polyols, Inc. (Perstorp), at its facility at 600 Matzinger Road, Toledo, Ohio (facility), is in violation of the Clean Air Act (the Act) and associated state or local pollution control requirements.

EPA finds that the Perstorp facility has violated its Title V Permit P0103993 (Title V permit). Since Perstorp violated its Title V permit, it has also violated Title V of the Act and its associated regulations which require compliance with terms and conditions of Title V permits. Perstrop has also violated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Miscellaneous Organic Chemical Manufacturing (MON), codified at 40 C.F.R. Part 63, Subpart FFFF and the NESHAP for Synthetic Organic Chemical Manufacturing Industry, codified at 40 C.F.R. Part 63, Subparts F, G, and H.

Section 113 of the Act gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the enclosed Notice of Violation/Finding of Violation (NOV/FOV). You should request a conference within 10 days following receipt of this notice and the conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the prior to the conference date.

The EPA contacts in this matter are Molly Smith, (312) 353-8773, and Constantinos Loukeris, (312) 353-6198. You may call either to request a conference. EPA hopes that this NOV/FOV will encourage Perstorp's compliance with the requirements of the CAA.

Sincerely,

George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Anthony Sloma
Director of Environmental, Health, Safety and Quality
Perstorp Polyols Inc.
600 Matzinger Road
Toledo, Ohio 43612

Kirt Bezeau
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43604

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Perstorp Polyols, Inc.	)	**NOTICE OF VIOLATION and**
Toledo, Ohio	)	**FINDING OF VIOLATION**
	)	
	)	**EPA-5-14-OH-08**
Proceedings Pursuant to	)	
the Clean Air Act	)	
42 U.S.C.§ § 7401 et seq	)	

NOTICE OF VIOLATION AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to Perstorp Polyols, Inc. (Perstorp or you), for violations of the Clean Air Act (the Act), 42 U.S.C. § 7401 *et seq.*, at its facility located at 600 Matzinger Road, Toledo, Ohio (the facility).

This Notice is issued pursuant to Section 113(a)(1) and (3) of the Act, 42 U.S.C. § 7413(a)(1) and (3). The authority to issue this Notice has been delegated to the Regional Administrator of EPA Region 5 and redelegated to the Director, Air and Radiation Division, Region 5.

STATUTORY AND REGULATORY BACKGROUND

1. The Act is designed to, among other things, protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

National Emission Standards for Hazardous Air Pollutants

2. Pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b), EPA designates hazardous air pollutants (HAP) which present or may present a threat of adverse effects to human health or the environment.

3. Section 112(a) of the Act, 42 U.S.C. § 7412(b), defines "major source" as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any HAP or 25 tons per year (tpy) or more of any combination of HAP.

4. Section 112(c) of the Act, 42 U.S.C. § 7412(c), requires EPA to publish a list of categories of sources which EPA finds present a threat of adverse effects to human health or the environment due to emissions of HAP, and to promulgate emission standards for each source

category. These standards are known as "national emission standards for hazardous air pollutants" or "NESHAP." EPA codifies these requirements at 40 C.F.R. Parts 61 and 63.

5. The NESHAPs are national technology-based performance standards for HAP sources in each category that become effective on a specified date. The purpose of these standards is to ensure that all sources achieve the maximum degree of reduction in emissions of HAP that EPA determines is achievable for each source category.

6. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. §§ 61.05 and 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.

NESHAP for Miscellaneous Organic Chemical Manufacturing at 40 C.F.R. Part 63, Subpart FFFF

7. The NESHAP, at 40 C.F.R. Part 63, Subpart A, contains general provisions applicable to the owner or operator of any stationary source that contains an affected facility subject to the NESHAP at Part 63. These include definitions at 40 C.F.R. § 63.2.

8. The NESHAP, at 40 C.F.R. § 63.2, defines "existing source" as any affected source that is not a new source.

9. The NESHAP, at 40 C.F.R. § 63.2, defines "new source" as any affected source the construction or reconstruction of which is commenced after EPA first proposes a relevant emission standard under 40 C.F.R. Part 63 establishing an emission standard applicable to such source.

10. The NESHAP, at 40 C.F.R. § 63.2, defines "fugitive emissions" as those emissions from a stationary source that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Under Section 112 of the Act, all fugitive emissions are to be considered in determining whether a stationary source is a major source.

11. The NESHAP, at 40 C.F.R. § 63.2, defines "hazardous air pollutants" as any air pollutant listed in or pursuant to Section 112(b) of the Act.

12. On November 10, 2003, EPA promulgated the NESHAP for Miscellaneous Organic Chemical Manufacturing (MON), codified at 40 C.F.R. Part 63, Subpart FFFF. 68 Fed. Reg. 63888. The NESHAP for MON establishes emission standards, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping requirements associated with miscellaneous organic chemical manufacturing. *See* 40 C.F.R. § 63.2430.

13. The NESHAP for MON, at 40 C.F.R. § 63.2445(b), provides that owners and operators of existing sources subject to the MON must comply with the requirements for existing sources no later than May 10, 2008.

14. The NESHAP for MON, at 40 C.F.R. § 63.2435(a), provides that owners and operators are subject to the MON if they operate miscellaneous organic chemical manufacturing process units (MCPU) that are located at, or are part of, a major source of HAP emissions as defined in Section 112(a) of the Clean Air Act.

15. The NESHAP for MON, at 40 C.F.R. § 63.2550, defines "miscellaneous organic chemical manufacturing process" as all equipment which collectively functions to produce a product or isolated intermediate that is "material" as described in 40 C.F.R. § 63.2435(b). Process equipment includes any, all, or a combination, of reaction, recovery, separation, purification, or other activity, operation, manufacture, or treatment which is used to produce a product or isolated intermediate.

16. The NESHAP for MON, at 40 C.F.R. § 63.2435(b), provides that a MCPU includes equipment necessary to operate a miscellaneous organic chemical manufacturing process that, among other things, processes, uses, or generates any of the organic HAPs listed in Section 112(b) of the Act. A MCPU also includes any assigned storage tanks and transfer racks; equipment in open systems that is used to convey or store water having the same concentration and flow characteristics as wastewater; and components such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, and instrumentation systems that are used to manufacture any material or family, including but not limited to an organic chemical with an SIC code listed in 40 C.F.R. § 63.2435(b)(1)(i).

17. The NESHAP for MON, at 40 C.F.R. § 63.2550, defines "in organic HAP service" to mean a piece of equipment that either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic as determined according to Method 18 of 40 C.F.R. Part 60, Appendix A. *See also* 40 C.F.R. § 63.180(d)(1).

NESHAP for Synthetic Organic Chemical Manufacturing Industry (Subparts F, G, and H)

18. On April 22, 1994, EPA promulgated the following National Emission Standards for Hazardous Air Pollutants (NESHAP):

    a. National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) at 40 C.F.R. Part 63, Subpart F (59 Fed. Reg. 19454);

    b. National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater at 40 C.F.R. Part 63, Subpart G (59 Fed. Reg. 19468); and

    c. National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks at 40 C.F.R. Part 63, Subpart H (59 Fed. Reg. 19568).

These standards are collectively known as the Hazardous Organic NESHAP (HON).

19. 40 C.F.R. § 63.113(a) states the owner or operator of a Group 1 process vent as defined in this subpart shall comply with the requirements of paragraph (a)(1), (2), or (3) of this section. The owner or operator who transfers a gas stream that has the characteristics specified in §63.107 (b) through (h) or meets the criteria specified in §63.107(i) to an off-site location or an on-site location not owned or operated by the owner or operator of the source for disposal shall comply with the requirements of paragraph (i) of this section.

20. 40 C.F.R. § 60.615(c)(2) states that each owner or operator of a catalytic incinerator, shall record all 3-hour periods of operation during which the average temperature of the vent stream immediately before the catalyst bed is more than 28 °C (50 °F) below the average temperature of the vent stream during the most recent performance test at which compliance with §60.612(a) was determined. The owner or operator also shall record all 3-hour periods of operation during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference of the device during the most recent performance test at which compliance with §60.612(a) was determined.

21. 40 C.F.R. § 63.113(a)(2) states that the owner or operator of a Group 1 process vent shall reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen, and compliance can be determined by measuring either organic hazardous air pollutants or total organic carbon using the procedures in §63.116 of this subpart.

22. 40 C.F.R. § 63.119(a), Subpart G, states that for each storage vessel to which this subpart applies, the owner or operator shall comply with the control technology requirements of paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section according to the schedule provisions of §63.100 of Subpart F of this part.

23. 40 C.F.R. § 63.122(a), Subpart G, states that for each Group 1 storage vessel, the owner or operator shall comply with the reporting requirements of paragraphs (a)(1) through (a)(5) of this section.

24. 40 C.F.R. § 63.123(a), Subpart G, states that each owner or operator of a Group 1 or Group 2 storage vessel shall keep readily accessible records showing the dimensions of the storage vessel and an analysis showing the capacity of the storage vessel. This record shall be kept as long as the storage vessel retains Group 1 or Group 2 status and is in operation. For each Group 2 storage vessel, the owner or operator is not required to comply with any other provisions of §§ 63.119 through 63.123 of this subpart other than those required by this paragraph unless such vessel is part of an emissions average as described in §63.150 of this subpart.

25. 40 C.F.R.§ 63.160, Subpart H, sets applicability and designation to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and

control devices or closed vent systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR Part 63 that references this Subpart.

26. 40 C.F.R. § 63.161, Subpart H, defines "equipment" as each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, surge control vessel, bottoms receiver, and instrumentation system in organic hazardous air pollutant service; and any control devices or systems required by this subpart.

27. 40 C.F.R. § 63.162(c), Subpart H, states that each piece of equipment in a process unit to which this subpart applies shall be identified such that it can be distinguished readily from equipment that is not subject to this subpart. Identification of the equipment does not require physical tagging of the equipment. For example, the equipment may be identified on a plant site plan, in log entries, or by designation of process unit boundaries by some form of weatherproof identification.

28. 40 C.F.R. § 63.162(d), Subpart H, states that equipment that is in vacuum service is excluded from the requirements of this subpart.

29. 40 C.F.R. § 63.163(b)(1), Subpart H, states the owner or operator of a process unit subject to this subpart shall monitor each pump monthly to detect leaks by the method specified in § 63.180(b) of this subpart and shall comply with the requirements of paragraphs (a) through (d) of this section.

30. 40 C.F.R. § 63.168(b)(1), Subpart H, states that the owner or operator shall monitor all valves to detect leaks by the method specified in § 63.180(b) of this subpart.

31. 40 C.F.R. § 63.168(e)(1), Subpart H, states that percent leaking valves at a process unit shall be determined by the equation in this subparagraph.

32. 40 C.F.R. § 63.172(f)(1)(i), Subpart H, states that each closed closed-vent system shall have an initial inspection conducted according to the procedures in paragraph (g) of this section.

33. 40 C.F.R. § 63.172(f)(1)(ii), Subpart H, states that each closed closed-vent system shall have an annual visual inspection for visible, audible, or olfactory indications of leaks.

34. 40 C.F.R. § 63.173(a)(1), Subpart H, states that each agitator shall be monitored monthly to detect leaks by the methods specified in § 63.180(b) of this subpart, except as provided in § 63.162(b) of this subpart.

35. 40 C.F.R. § 63.173(b)(1) states that each agitator shall be checked by visual inspection each calendar week for indications of liquids dripping from the agitator.

36. 40 C.F.R. § 63.174(a)(1), Subpart H, states connectors shall be monitored to detect leaks by the method specified in §63.180(b) of this subpart.

37. 40 C.F.R. § 63.174(i)(1), Subpart H, states for use in determining the monitoring frequency, as specified in paragraph (b) of this section, the percent leaking connectors shall be initially calculated as specified in paragraphs (i)(1).

38. 40 C.F.R. § 63.174(i)(2), Subpart H, states for use in determining the monitoring frequency, as specified in paragraph (b) of this section, the percent leaking connectors shall be calculated as specified in paragraphs (i)(2) of this section for all subsequent monitoring events after the initial monitoring.

39. 40 C.F.R. § 63.180(b)(1), Subpart H, states that monitoring, as required under this subpart, shall comply with Method 21 of 40 CFR Part 60, Appendix A.

40. 40 C.F.R. Part 60, Appendix A, states that Method 21 is "applicable for the determination of volatile organic compound (VOC) leaks from process equipment. These sources include, but are not limited to, valves, flanges and other connections, pumps and compressors, pressure relief devices, process drains, opened-ended valves, pumps and compressor deals systems degassing vents, accumulator vessel vents, agitator deals, and access door seals."

41. 40 C.F.R. § 63.180(b)(4), Subpart H, states that a zero gas and mixtures of methane in air at the concentrations specified in paragraphs (b)(4)(ii)(A) through (b)(4)(ii)(C) of this section are to be used as the calibration gases. A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (b)(2)(i) of this section.

42. Table 5 of Subpart G states that for vessels having a capacity between 75 and 151 cubic meters (19,813 and 39,890 gallons), and a vapor pressure of at least 13.1 kiloPascals, the vessel is a Groupl storage vessel.

Title V Permit Requirements

43. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

44. 40 C.F.R. § 70.1(b) provides that all sources subject to the Part 70 regulations shall have a permit to operate that assures compliance by the source with all applicable requirements.

45. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the CAA, or any rule promulgated, issued or approved under Title V of the CAA.

46. EPA fully approved the Ohio Title V program, effective October 1, 1995. 60 Fed. Reg. 42045 (August 15, 1995). Ohio's Title V permit requirements are codified at OAC 3745-77.

47. The Ohio Environmental Protection Agency (OEPA) issued Perstorp's Title V permit Number P0103993 (Title V permit) on February 8, 2011.

48. Perstorp's Title V permit, at Section B, Facility-Wide Terms and Conditions, Numbers 2 through 6, outlines Perstorp's applicability to the following regulations: NESHAP Subpart F, NESHAP Subpart G, NESHAP Subpart H, and NSPS Subpart VV.

49. Perstorp's Title V permit, at Section C, Emissions Unit Terms and Conditions, Number 3, Section B, outlines the applicable emissions limitations and/or control requirements for the Trimethylolpropane (TMP) and sodium formate manufacturing process equipment.

50. Perstorp's Title V permit, at Section C, Emissions Unit Terms and Conditions, Number 4, Section B, outlines the applicable emissions limitations and/or control requirements for the Pentaerythritol, dipentaerythitol, and sodium formate process equipment (Penta Plant).

51. Perstorp's Title V permit, at Section C, Emissions Unit Terms and Conditions, Number 5, Section B, outlines the applicable emissions limitations and/or control requirements for the formaldehyde process equipment (Formox).

FINDING OF FACT

52. Perstorp owns and operates a facility located at 600 Matzinger Road, Toledo, Ohio 43612.

53. Perstorp processes and manufactures industrial organic chemicals at the facility.

54. On January 1, 2006, November 29, 2006, and June 19, 2007, EPA issued Section 114 Information Requests to Perstorp.

55. On November 13, 2013, EPA conducted an inspection at the facility (EPA Inspection).

56. Perstorp operates three process units, Penta Plant, TMP, and Formox, that are subject to the HON.

57. During the EPA Inspection, Perstorp personnel stated that they did not have any closed-vent systems for Penta Plant, TMP, or Formox process units.

58. During the EPA Inspection, based on the process description provided by the Perstorp personnel, each process has a closed-vent system as defined by 40 C.F.R. Part 63, Subpart H.

59. On December 6, 2013, Perstorp submitted a letter to EPA following EPA's November 13, 2013, inspection (December 2013 Letter).

60. In the December 2013 Letter, Perstorp included two spreadsheets containing inlet and differential temperatures for each of the catalytic incinerators (Penta Plant/TMP and Formox) at the site as well as indicating when the periods of time the temperatures were out of compliance.

61. In the December 2013 Letter, Perstorp indicated that two acetaldehyde storage vessels (V-130A and V-130B) that previously were not considered Group 1 storage vessels per the HON, now meet the criteria in Table 5 of the HON for Group 1 storage vessels.

62. Perstorp manufactures sulfonated melamine formaldehyde (SMF) in the SMF process unit.

63. The SMF process uses formaldehyde and other chemicals to manufacture SMF.

64. Formaldehyde is a HAP as defined at 40 C.F.R. § 63.2, 42 U.S.C. §7412(b).

65. SMF is an organic chemical classified using the 1987 version of SIC code 282, 283, 284, 285, 286, 287, 289, or 386.

66. SMF is an organic chemical classified using the 1997 version of NAICS code 325.

67. Perstorp is a "major source" for HAP.

68. Perstorp owns and operates equipment that is considered an affected source under Subpart H.

69. The Perstorp facility uses a Mini Rae 3000 calibrated with a 100 parts per million (ppm) calibration gas of isobutylene to detect leaks from equipment (i.e. valves, connectors, and pumps) at the facility.

70. Perstorp currently operates its facility under its OEPA issued Title V permit.

EXPLANATION OF VIOLATIONS

71. Perstorp failed to identify each agitator listed below, for at least the period of December 2001 through December 6, 2013, in the Formox, SMF, Penta Plant, and TMP process units, as required by 40 C.F.R. § 63.162(c):

    a. A-510 (Formox/SMF);
    b. A-520 (Formox/SMF);
    c. A-530 (Formox/SMF);
    d. A-1100 (Formox/SMF);
    e. A-200 (Penta);
    f. A-250 (TMP).

72. Perstorp failed to monitor each agitator listed in paragraph 71 monthly, for at least the period of December 2001 through December 6, 2013, to detect leaks by the methods specified in § 63.180(b), as required by 40 C.F.R: § 63.173(a)(1).

73. Perstorp failed to check each agitator listed in paragraph 71 weekly, for at least the period of December 2001 through December 6, 2013, for indications of liquids dripping from the agitator, as required by 40 C.F.R. § 63.173(b)(1).

74. Perstorp failed to identify each closed vent system, for at least the period of December 2001 through December 6, 2013, in the Formox, SMF, Penta Plant, and TMP process units, as required by 40 C.F.R. § 63.162(c).

75. Perstorp failed to initially inspect each closed vent system, for at least the period of December 2001 through December 6, 2013, using the procedures in § 63.172(g), as required by 40 C.F.R. § 63.172(f)(1)(i).

76. Perstorp failed to inspect each closed vent system annually, after the initial inspection, for visible, audible, or olfactory indication of leaks for at least the period of December 2002 through December 6, 2013, as required by 40 C.F.R. § 63.172(f)(1)(ii).

77. Perstorp failed to conduct Method 21 of 40 C.F.R. Part 60, Appendix A, properly on valves, connectors, and pumps, for at least the period of December 2001 through the present, by using an improper calibration gas (i.e. isobutylene) as well as a calibration gas at a concentration (100 parts per million) below the leak concentration of valves, connectors, and pumps, as required by 40 C.F.R. §§ 63.180(b)(4), 63.163(b)(1), 63.168(b)(1), and 63.174(a)(1).

78. Perstorp failed to identify two acetaldehyde storage tanks as Group 1 storage tanks for at least the period of September 22, 1994, through the present, as required by 40 C.F.R. §§ 63.119(a), 63.122(a), and 63.123(a).

79. Perstorp failed to properly calculate the percent leaking valves and connectors, for least the period of December 2001 through the present, by including valves and connectors in vacuum service, as required by 40 C.F.R. §§ 63.168(e)(1), 63.162(d), 63.174(i)(1), and 63.174(i)(2).

80. Perstorp failed to comply with the requirements of the MON NESHAP by May 10, 2008, which includes emission standards, operating limits, work practice standards, recordkeeping and reporting requirements, for the SMF process, as required by 40 C.F.R. Part 63, Subpart FFFF and Section 112 of the Act, 42 U.S.C. § 7412.

81. Perstorp failed to comply with the Group 1 process vent provisions for the Formaldehyde, Penta Plant, and TMP process units and corresponding catalytic incinerators on the dates listed in Table 1 below, as required by 40 C.F.R. §§ 63.113(a)(2), 60.615(c)(2), and Conditions C.3.c.4, C.4.c.4, C.5.c.2 and C.5.c.4 of Title V Permit Number P0103993.

Table 1: Parameter Exceedances by Date and Catalytic Incinerator

Catalytic Incinerator	2008	2009	2010	2011	2012	2013
Formox	10/28, 10/30, 11/20-11/23, 11/30, 12/2, 12/4-12/14	1/4-1/16, 1/19, 2/5, 2/11-2/12, 2/21, 2/28, 3/1-3/3, 3/8, 3/11, 5/21-5/26, 6/11-6/13, 6/15-6/16, 6/20, 7/29-7/31, 8/3, 9/9, 10/13-11/1, 11/20-12/31	1/1-1/5, 1/10, 1/12-1/13, 1/16, 1/17, 1/18, 3/20-3/22, 3/25-3/27, 3/29-3/30, 8/31, 11/28	2/2	1/3, 5/20, 5/21, 10/29-11/2, 11/12	4/26-4/27, 5/1, 6/27, 8/31
Penta Plant/TMP	1/1-2/8, 2/10-2/12, 2/24-3/30, 4/1-4/10, 4/29, 5/3, 5/12-5/18, 5/27-5/28, 5/30, 6/8, 6/12, 7/5, 7/7, 7/10-7/13, 8/6, 9/7-9/12, 9/14, 9/16-9/20, 9/22, 9/24-11/6, 11/8-11/15, 11/21-12/11	1/16-1/17, 1/19, 1/21-5/21, 6/12-6/22, 6/25-7/28, 8/2-8/6, 8/8-9/7, 9/9, 9/11, 9/16-9/17, 9/28-9/29, 10/1, 10/14, 10/17-12/31	1/1-4/1, 4/3-4/30, 5/10-5/13, 5/17-5/19, 5/23, 6/17-6/18, 7/7-7/8, 10/2-10/19, 10/28-10/29, 10/31-11/3, 11/7, 11/13-11/15, 11/18-11/19, 11/24-12/1, 12/3, 12/14, 12/18-12/31	1/2-1/3, 1/5, 1/31, 2/1-2/3, 2/8, 2/10-2/11, 2/17-3/7, 3/14, 3/27-3/29, 4/11-4/15, 4/17-4/21, 4/28-4/29, 5/26, 6/7-6/15, 7/26-7/27, 8/5, 8/15-8/16, 8/24-8/25, 8/29-9/6, 9/17-10/3, 10/8, 10/27-10/30, 11/2, 11/4-11/19, 11/21-12/29, 12/31	1/1-1/9, 1/18, 1/28, 2/1-2/3, 2/6-2/12, 2/16, 2/18-2/19, 2/21-2/27, 2/29, 3/3-3/10, 3/16-4/6, 4/8-4/12, 4/14, 4/19, 4/21-4/25, 5/1-5/2, 5/7, 5/9, 5/18, 5/23, 5/30-6/2, 6/9, 6/12-6/13, 7/7-7/13, 8/6-8/7, 8/9-8/12, 8/14-8/15, 8/18-8/24, 8/29, 8/31, 9/2-9/3, 9/6-9/10, 9/12, 9/15-9/24, 9/28-9/29, 10/5-10/8, 10/10-10/13, 10/15-10/22, 11/11-11/24, 12/10-12/22, 12/24-12/31	1/1-1/3, 1/9-1/11, 1/16, 1/22-1/27, 2/7-2/8, 2/9-2/10, 2/12-2/21, 2/27, 3/13-3/14, 3/20-3/21, 4/13, 4/18-24, 5/1-5/6, 5/11-5/14, 5/17, 5/24-5/28, 6/5-6/11, 6/14-6/26, 7/11, 7/24-7/25, 8/30, 9/13-9/14, 9/17, 9/20-9/23, 10/28, 10/30

ENVIRONMENTAL IMPACT OF VIOLATIONS

82. VOC emissions increase the amount of pollutants that have the ability to create photochemical smog under certain conditions.

83. HAP emissions increase the amount of pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, and/or adverse environmental effects.

ENFORCEMENT AUTHORITY

84. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), provides in part that at any time after the expiration of 30 days following the date of the issuance of a Notice of Violation, EPA may, without regard to the period of violation, issue an order requiring compliance with the requirements of the applicable SIP, issue an administrative penalty order pursuant to Section 113(d), or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

85. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides in part that if EPA finds that a person has violated or is in violation of any requirement or prohibition of any rule promulgated under Title I and/or Title V of the Act, EPA may issue an administrative penalty order under Section 113(d), issue an order requiring compliance with such requirement or prohibition, or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

3/31/14
Date

George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-14-OH-08, by Certified Mail, Return Receipt Requested, to:

Larry Fioritto
Plant Manager
Perstorp Polyols Inc.
600 Matzinger Road
Toledo, Ohio 43612

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Anthony Sloma
Director of Environmental, Health, Safety and Quality
Perstorp Polyols Inc.
600 Matzinger Road
Toledo, Ohio 43612

Kirt Bezeau
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43604

On the 2 day of APRIL 2014.

Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 0719